

1 [Submitting counsel below]

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5 UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
7 SAN FRANCISCO DIVISION

8 IN RE: UBER TECHNOLOGIES, INC.  
9 PASSENGER SEXUAL ASSAULT  
10 LITIGATION

11 This Document Relates to:

12 *Jaylynn Dean v. Uber Techs., Inc.*,  
13 N.D. Cal. No. 23-cv-06708  
D. Ariz. No. 25-cv-4276

Case No. 23-md-03084-CRB

Honorable Charles R. Breyer

**PLAINTIFF'S ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL PLAINTIFF'S  
OPPOSITION TO DEFENDANTS' MOTION  
TO PERMIT EVIDENCE UNDER FRE 412**

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15 UNITED STATES DISTRICT COURT  
16 DISTRICT OF ARIZONA  
17 PHOENIX DIVISION

18 JAYLYNN DEAN,

19 Plaintiff,

20 v.

21 UBER TECHNOLOGIES, INC., et al.,

22 Defendants.

No. 25-cv-4276-PHX-CRB

Judge: Honorable Charles R. Breyer

Ctrm.: 501

1 Pursuant to N.D. Cal. Civil Local Rules 7-11 and 79-5, Plaintiff respectfully submits this  
 2 Administrative Motion to File Under Seal Plaintiff's Opposition to Defendants' Motion to Permit Evidence  
 3 Under FRE 412.

4 Uber's Motion to Permit Evidence, ECF 4824, was filed under Federal Rule of Evidence 412. Under  
 5 that Rule, “[u]nless the court orders otherwise, the motion, related materials, and the record of the hearing  
 6 must be and remain sealed.” Fed. R. Evid. 412(c)(2). Plaintiff's Opposition and Exhibits are “related  
 7 materials” and should be sealed.

8 In the alternative, the Opposition and Exhibits A and B should be sealed because they involve  
 9 intimate and sensitive aspects of Plaintiff's and third parties' personal lives, Plaintiff's medical and mental  
 10 health records, and the names of third parties.

11 **I. LEGAL STANDARD**

12 Documents which do not relate directly to the merits of a case are properly sealed when a moving  
 13 party makes “a particularized showing under the good cause standard of Rule 26(c).” *Kamakana v. City &*  
*Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (internal quotations and citations omitted); *see also Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-1102 (9th Cir. 2016). Good cause  
 14 may exist when issuing an order to seal is necessary to “protect a party or person from annoyance,  
 15 embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c).

16 The documents here are related to the scope of evidence related to Plaintiff's past that Defendants'  
 17 may present at trial. Courts consistently recognize that evidentiary rulings about what evidence may be  
 18 presented are procedural determinations that do not resolve the underlying claims. *2-Way Computing, Inc.*  
*v. Nextel Fin. Co.*, 2015 WL 456519, at \*1, fn. 1 (D. Nev. Feb. 3, 2015) (stating that “good cause is the  
 19 standard to apply to... non-dispositive evidentiary motions.”). As Defendants' Motion and Plaintiff's  
 20 Opposition are related to the scope of evidence at trial, rather than resolving the merits of the case, the  
 21 good cause standard applies.

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1   **II. EVEN IF THE COURT DOES NOT MAINTAIN THE FILINGS UNDER SEAL**  
 2   **PURSUANT TO FRE 412(C)(2), PLAINTIFF'S OPPOSITION AND EXHIBITS SHOULD**  
 3   **BE SEALED FOR GOOD CAUSE.**

4       The information that Plaintiff seeks to seal involves intimate and sensitive aspects of Plaintiff's and  
 5       third parties' personal lives, Plaintiff's medical and mental health records, and the names of third parties.  
 6       See Kalonia Decl. ¶¶ 3-5. Relevant portions of Plaintiff's Opposition and Exhibits should be sealed to  
 7       avoid harm to Plaintiff's and third parties' privacy interests.

8       **A. Failing to Seal the Records Would Harm Plaintiff and Third Parties**

9       First, Plaintiff's Opposition and Exhibits contain information regarding intimate and sensitive  
 10      aspects of Plaintiff's and third parties' personal lives should be sealed. *Sparks v. Mamer*, 2020 WL  
 11     2513675, at \*2 (D. Nev. May 15, 2020) (finding that the "desire to protect the intimate aspects of [] sexual  
 12     history outweigh the public interest in access to judicial documents."); *United States Sec. & Exch. Comm'n  
 13     v. Levoff*, 2024 WL 4913899, at \*2 (D.N.J. Oct. 7, 2024) (concluding that public disclosure of "personal  
 14     history" and "romantic relationships" would cause "immediate and irreparable harm, including the loss of []  
 15     well-established privacy rights."). Courts have found that details of personal lives, including allegations of  
 16     past abuse, "do[] not create a public interest sufficiently large to outweigh the [] private interests in  
 17     confidentiality." *In re Roman Cath. Archbishop of Portland in Oregon*, 661 F.3d 417, 427 (9th Cir. 2011).

18       Second, Plaintiff's Opposition and Exhibits contain information regarding Plaintiff's medical and  
 19     mental health history should be sealed. Courts have routinely found that medical and mental health history  
 20     is sealable under the higher compelling reasons standard. See *Hunt v. Cont'l Cas. Co.*, 2015 WL 5355398, at  
 21     \*3 (N.D. Cal. Sep. 14, 2015) ("[p]laintiff's interest in preserving the privacy of her sensitive mental health  
 22     records constitutes a compelling reason to seal."); *Meyers v. Kaiser Found. Health Plan Inc.*, 2019 WL  
 23     120657, at \*3 (N.D. Cal. Jan. 6, 2019) (finding that compelling reasons exist to seal personal and medical  
 24     information "because of the strong interest in 'preserv[ing] privacy in a matter of sensitive and highly  
 25     personal nature.'"); *Civ. Beat L. Ctr. for Pub. Int., Inc. v. Maile*, 117 F.4th 1200, 1210 (9th Cir. 2024)  
 26     ("["P]rotecting an individual's constitutional and statutory right to privacy is a compelling interest that may  
 27     justify sealing a particular medical or health record."). Courts routinely find that "individual privacy rights

<sup>1</sup> in... health records outweigh the presumption in favor of public access to court records." *Hernandez v. Cnty. of Monterey*, 2023 WL 4688522, at \*4 (N.D. Cal. July 21, 2023) (collecting cases).

3 Third, Plaintiff’s Opposition and Exhibits contain names of third parties are sealable because they  
4 are personally identifiable information (“PII”). Courts routinely seal PII under the more stringent  
5 compelling reasons standard. *See Stiner v. Brookdale Senior Living, Inc.*, 2022 WL 1180216, at \*2 (N.D.  
6 Cal. Mar. 30, 2022) (“Courts in this District routinely find compelling reasons to seal personally-identifying  
7 information that has minimal relevance to the underlying causes of action”) (collecting cases).

8 Disclosure of the intimate and sensitive aspects of Plaintiff's and third parties' personal lives,  
9 Plaintiff's medical and mental health history, and the PII of third parties, would cause significant privacy  
10 harms that may result in public humiliation, reputational damage, unwanted media attention, annoyance,  
11 and embarrassment. *See* Kalonia Decl. ¶ 6. Fed. R. Civ. P. 26(c).

12 The significant privacy concerns of Plaintiff and third parties outweigh the public's minimal  
13 interest in knowing their identities or highly sensitive information, and warrant the sealing of this  
14 information. *See* Kalonia Decl. ¶ 7.

## B. Less Restrictive Alternative to Sealing Is Insufficient to Prevent Harm

16 There is no less restrictive alternative to sealing portions of Plaintiff's Opposition and Exhibits,  
17 since the documents are replete with information that can and should be sealed. *See* Kalonia Decl. ¶ 8.

18 | III. CONCLUSION

19 For the foregoing reasons, Plaintiff respectfully requests the Court order that the entirety of  
20 Plaintiff's Opposition and Exhibits be maintained under seal pursuant to Fed. R. Evid. 412(c)(2) or, in the  
21 alternative, because they contain intimate and sensitive aspects of Plaintiff's and third parties' personal  
22 lives, Plaintiff's medical and mental health records, and the names of third parties.

24 | Dated: January 5, 2026  
Respectfully submitted,

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18 **FILER'S ATTESTATION**

19 I am the ECF User whose ID and password are being used to file this document. In compliance  
20 with N.D. Cal. Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has  
21 concurred in this filing.

22  
23 Dated: January 5, 2026

/s/ Andrew R. Kaufman  
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